



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-99-5144**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Antonov Design Bureau**

**Date Filed: February 24, 1999**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate one one-way cargo charter flight from Bangor, Maine, to Waco, Texas, (or Dallas, TX, as an alternate) during the period February 24-28, 1999, using its AN-124 aircraft, to transport two outsized manufacturing oven units loaded on flatbed trailers, plus ancillary equipment. Antonov stated that the units are being manufactured by Valmet Inc. in Maine and are urgently needed by Elk Corp., a manufacturer of roofing materials, at its plant in Ennis, TX, no later than March 1, 1999, to replace equipment that was destroyed in an explosion. Antonov stated that Elk has made extensive arrangements so that the units can be installed during a three-week period starting March 1. It stated that air shipment was essential in order to meet delivery and installation timetables and to avoid further production delays.

**Applicant representative: Sheryl Israel 202-663-8312**

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### **DISPOSITION**

**Action: Approved**

**Action date: February 24, 1999**

**Effective dates of authority granted: February 24 – 28, 1999**

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship on Elk's efforts to restore its services.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions, and to the condition that Antonov comply with an FAA-approved flight routing for the authorized flight

**Action taken by: CHARLES A. HUNNICUTT**  
**Assistant Secretary for Aviation**  
**and International Affairs**